



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: William D. Huse *et al.*

Serial No.: 09/434,870

Group No.: 1642

Filed: 11/04/99

Examiner: L. Helms

Entitled: **Methods of Optimizing Antibody Variable
Region Binding Affinity**

**DECLARATION OF APPLICANT
UNDER 37 C.F.R. § 1.131**

Assistant Commissioner for Patents
Washington, D.C. 20231

31
KS
9/12/03

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10	
I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number , addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.	
Dated: <u>July 29, 2003</u>	By: <u>Traci E. Light</u> Traci E. Light

Sir or Madam:

1. I, Jeffry D. Watkins, am one of the co-inventors of record of the subject matter embodied in the above-identified patent application.
2. In the Office Action mailed April 29, 2003, the Examiner cites U.S. Patent No. 6,312,693, filed February 10, 1999, entitled "Antibodies Against Human CD40" (hereinafter the '693 patent) and points to the contents of columns 27-28.
3. The Examiner is asked to take note that I am listed as a co-inventor on the '693 patent.

4. The overlapping oligonucleotide work described in pages 54-55 of the present specification was performed by me or was done under my supervision prior to February 10, 1999. As evidentiary support for this assertion, the Examiner is asked to compare:

- Table 2 of column 26 with Table 1 of the present specification (p. 55).
- The sentence at column 27 at lines 32-35 ("The pool . . . was mixed with overlapping oligonucleotides . . .") with the sentence of the present specification at page 55, lines 1-5.
- The sentence at column 27 at lines 44-46 with the sentence in the present specification at page 56 (lines 5-10).
- The sentence at column 28 at lines 6-7 with the sentence in the present specification at page 57, lines 5-6

The comparison will reveal virtually identical language. This shows that the overlapping oligo work was done prior to the filing of the '693 patent (otherwise it could not have been included in the '693 filing).

5. This undersigned declares further that all statements made herein of his knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such wilful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Date: July 17, 2003

By: Jeffrey D. Watkins
Jeffrey D. Watkins